

## UNITED STATES DISTRICT COURT

for the  
Western District of Oklahoma

FILED

MAR 11 2022

CARMELITA REEDER SHINN, CLERK  
U.S. DIST. COURT, WESTERN DIST. OKLA.  
BY *de* DEPUTYIn the Matter of the Search of  
(Briefly describe the property to be searched  
or identify the person by name and address)  
a Motorola cellular telephone,  
IMEI Number 352304807265137

)

Case No. M-22-*M*-P

## APPLICATION FOR A SEARCH WARRANT

I, a federal law enforcement officer or an attorney for the government, request a search warrant and state under penalty of perjury that I have reason to believe that on the following person or property (identify the person or describe the property to be searched and give its location):

See Attachment A

located in the Western District of Oklahoma, there is now concealed (identify the person or describe the property to be seized):

See Attachment B

The basis for the search under Fed. R. Crim. P. 41(c) is (check one or more):

evidence of a crime;  
 contraband, fruits of crime, or other items illegally possessed;  
 property designed for use, intended for use, or used in committing a crime;  
 a person to be arrested or a person who is unlawfully restrained.

The search is related to a violation of:

<i>Code Section</i>	<i>Offense Description</i>
21 U.S.C. § 841(a)(1)	Possession of a Controlled Substance with Intent to Distribute

The application is based on these facts:  
See attached Affidavit

Continued on the attached sheet.  
 Delayed notice of \_\_\_\_\_ days (give exact ending date if more than 30 days: \_\_\_\_\_) is requested under 18 U.S.C. § 3103a, the basis of which is set forth on the attached sheet.

*E.T.-D.P.2*  
Applicant's signature

DION PORTER, Task Force Officer (FBI)

Printed name and title

Sworn to before me and signed in my presence.

Date: 3/11/22City and state: Oklahoma City, Oklahoma

*Gary M. Purcell*  
Judge's signature

GARY M. PURCELL, U.S. Magistrate Judge

Printed name and title

**ATTACHMENT A**

**DESCRIPTION OF DEVICES TO BE SEARCHED**

A Motorola cellular telephone, IMEI Number 352304807265137 located inside the FBI Oklahoma City evidence control room located at 3301 W. Memorial Road, Oklahoma City, OK 73134

*cmh*  
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**ATTACHMENT B**

**LIST OF ITEMS TO BE SEIZED**

All records on the SUBJECT PHONE described in Attachment A that relate to violations of law, including, specifically 21 U.S.C. § 846, Drug Conspiracy and or evidence of 21 U.S.C. § 841(a)(1), Possession with intent to Distribute Controlled Substances. Your Affiant believes there are possibly text messages, contact information, photographs or other items communicated within this device that provide information about illegal activities which involve Oscar Ruelas Pena and/ or possible co-conspirators including:

1. Stored communications which are voice recordings/messages, text messages (SMS) and multimedia messages (MMS), emails and attachments, read or unread which relate to and provide evidence of criminal activity described in this affidavit;
2. Stored communications voice or text based located within downloadable messaging applications or social media applications
3. All internet usage history that may reveal evidence of drug trafficking, such as package tracking, internet mail communications, electronic payment receipts, etc.
4. Call logs/histories depicting incoming/outgoing numbers dialed to and from the above described telephone device which relate to and provide evidence of the above described criminal activity and further described in this affidavit;
5. Internet World Wide Web (WWW) browser files including browser history, browser cache, browser favorites, auto-complete form history and stored passwords;
6. Contacts, address books and calendars, customer lists and related identifying information such as names, nicknames and/or monikers within the above described



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telephone device which relate to and provide evidence of the above described criminal activity and further described in this affidavit;

7. Photographs, audio/video recordings with their associated metadata relating to and which provide evidence of the above described criminal activity and further described in this affidavit;

8. Stored location information including global positioning system (GPS) data indicating coordinates, way points, tracks and locations in which the phone has traveled; and,

9. Data and user records/information, password(s) that would assist in identifying/confirming the owner(s)/user(s) of the above referenced property to be searched.



**WESTERN DISTRICT OF OKLAHOMA**  
**OKLAHOMA CITY, OKLAHOMA**

**STATE OF OKLAHOMA**      )  
                                    )  
**COUNTY OF OKLAHOMA**      )

**AFFIDAVIT IN SUPPORT OF SEARCH WARRANTS**

I, Dion Porter, Task Force Officer (TFO) with the Federal Bureau of Investigation (FBI), having been duly sworn, depose and state as follows:

1. I am a TFO with the FBI and am empowered to conduct investigations and make arrest for violations of Title 21 of the United States Code. In addition, I am an Investigator with the Oklahoma City Police Department (OCPD) and have been employed as a peace officer with them since September 2002. During my career, I have been involved in a wide variety of investigative matters, including investigations targeting large criminal enterprises, most of which involved the unlawful distribution of narcotics. As part of my drug-related investigations with the FBI, I have coordinated the execution of search and arrest warrants, conducted physical surveillance, coordinated controlled purchases, analyzed records documenting the purchase and sale of illegal drugs, and spoken with informants, subjects, and law enforcement officers regarding the manner in which drug distributors obtain, finance, store, manufacture, transport, and distribute drugs. Through my training and experience, I have become familiar with some of the manners in which drugs are imported, distributed, and sold, as well as the methods used by drug dealers to disguise the source and nature of their profits.

2. I am submitting this Affidavit in support of a search warrant authorizing a search of a **Motorola cellular telephone**, IMEI Number **352304807265137 (SUBJECT PHONE)**—as further described in **Attachment A**, which is incorporated into this Affidavit by reference. The FBI in Oklahoma City has custody of the **SUBJECT PHONE** in Oklahoma City, Oklahoma. I am submitting this Affidavit in support of a search warrant authorizing a search of the **SUBJECT PHONE** for the items specified in **Attachment B** and to seize all items described in **Attachment B**.

3. Since this Affidavit is being submitted for the limited purpose of securing a search warrant, I have not included each and every fact known to me regarding this investigation. I have set forth only the facts that I believe are necessary to establish probable cause to support a search warrant. The information contained herein is based on my personal knowledge and observation, my training and experience, conversations with other law enforcement officers and witnesses, and review of documents and records.

#### **BACKGROUND OF INVESTIGATION**

4. On March 4, 2022, Oklahoma City Police Department (OCPD) conducted a traffic stop near Hefner Rd. and N. Penn Ave., Oklahoma City, Oklahoma after seeing the vehicle make an illegal lane change. The vehicle was driven by OSCAR RUELAS-PENA (RUELAS-PENA). During the stop, RUELAS-PENA failed to produce a driver's license and was placed in custody. A canine performed an open-air sniff of the vehicle and alerted to the odor of narcotics. Officers then conducted a search of the vehicle and found two trash bags containing multiple Ziploc baggies filled with a clear, crystal-like substance that

field-tested positive for methamphetamine. There were also five kilogram-sized bricks containing a white powdery substance that field-tested positive for cocaine. In addition, there were forty-one baggies, each containing an estimated 500 blue pills suspected to contain fentanyl, contained within a box.<sup>1</sup> All told, officers seized approximately 59.7 pounds of methamphetamine (total package weight), 14.8 pounds of cocaine (total package weight), and 9.7 pounds of suspected fentanyl-laced pills (total package weight).

5. RUELES-PENA was taken into custody and later transported to the Cleveland County Detention Center. In addition to the drugs, law enforcement also found the **SUBJECT PHONE** in the vehicle. The seized property was checked into the OCPD Property Room and then transferred to the Oklahoma City FBI Evidence Control Room. Because the **SUBJECT PHONE** is already in possession of law enforcement, either a daytime or nighttime search is warranted.

6. Based on my training and experience, I am aware that individuals involved in drug trafficking often use cell phones to maintain contact with other co-conspirators, including suppliers, transporters, distributors, and purchasers of illegal narcotics. Such cell phones and their associated memory cards commonly contain electronically stored information which constitutes evidence, fruits, and instrumentalities of drug trafficking

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<sup>1</sup> Based on my training and experience, these types of pills commonly contain fentanyl. Out of caution, law enforcement did not field test the pills. Investigators anticipate that laboratory testing will be completed at a later date.

offenses including, but not limited to, the phone directory and/or contacts list, calendar, text messages, e-mail messages, call logs, photographs, and videos.

7. Thus, there is probable cause to believe that violations of 21 U.S.C. §§ 841(a)(1) and 846 have occurred, and that evidence, fruits, and instrumentalities of these offenses are located on the **SUBJECT PHONE**. Therefore, I respectfully request that this Court issue a search warrant for the **SUBJECT PHONE**, described in **Attachment A**, authorizing the seizure of the items described in **Attachment B**.

  
DION PORTER  
Task Force Officer  
Federal Bureau of Investigation

SUBSCRIBED AND SWORN to before me this 11<sup>th</sup> day of March, 2022.

  
GARY M. PURCELL  
United States Magistrate Judge

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*certified  
DT*

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A handwritten signature consisting of a stylized 'J' or 'G' followed by 'DP'.